

Remarks

Claims 1-17 are pending in the subject application. By this Amendment, Applicants have canceled claims 1-17 and added new claims 18-23. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 18-23 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Support for the new claims can be found throughout the subject specification and in the claims as originally filed. New claim 18 refers to a gene delivery vector comprising polymer-coated ferrite particles, covalently bound to a target polypeptide molecule, a nucleic acid and a nucleic acid binding protein, the basis for which can be found, for example, at page 8, lines 12-24, of the subject specification. Support for new dependent claims 19 and 20, which refer to particular target polypeptides, can be found, for example, at page 5, lines 9 and 10, and page 8, lines 14-16, of the subject specification, respectively. Claim 21 is supported by the specification as a whole, including, for example, page 8, line 12. Support for claim 22 can be found, for example, at page 4, lines 34-37, page 6, lines 18-21, page 7, lines 4-7, and in the Example at page 11, lines 12-22, of the subject specification. New claim 23 is based on previous claim 15 and it is respectfully submitted that it is clear from the specification as a whole, such as the passages at page 8, line 25 through to page 9, line 15, that such a composition forms part of the invention.

Claim 16 is objected to under 37 CFR 1.75(c) as being of improper dependent form. As noted above, Applicants have canceled claim 16 by this Amendment. Accordingly, this rejection is now moot. Accordingly, reconsideration and withdrawal of the objection to the claim is respectfully requested.

Claims 1-17 are rejected under 35 USC §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention and as nonenabled by the subject specification. Applicants respectfully assert that there is adequate written description in the subject specification to convey to the ordinarily skilled artisan that they had possession of the claimed invention and that the claims are enabled by the subject specification. However, in a sincere effort to expedite prosecution of the subject application to completion, Applicants have canceled claims 1-17 and submitted new claims 18-23. Applicants

respectfully assert that the new claims are directed to subject matter which the Examiner has indicated in the outstanding Office Action is supported and enabled by the specification (*i.e.*, a gene delivery vector comprising ferrite particles having a polymeric coating bound to a target polypeptide molecule, a nucleic acid and a nucleic acid binding protein, as indicated at pages 3 and 5 of the Office Action). Accordingly, reconsideration and withdrawal of the written description and enablement rejections under 35 USC §112, first paragraph, is respectfully requested.

Claims 1, 12, 13, 15, 16, and 17 are rejected under 35 USC §112, second paragraph, as indefinite. Applicants respectfully assert that the claims as filed are definite. However, by this Amendment, claims 1-17 have been canceled, thereby rendering this rejection moot. Applicants respectfully assert that the new claims obviate the grounds for rejection set forth in the outstanding Office Action. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

Claim 13 is objected to under MPEP 2173.05(h) on the grounds that the use of the term “and/or” is improper Markush group language. As noted above, claim 13 has been canceled. New claims 18-23 do not recite the term “and/or.” Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 1-8, 11, 13, and 14 are rejected under the judicially created doctrine of “obviousness-type” double patenting over claims 1-4 of U.S. Patent No. 6,153,598. In addition, claims 1 and 15 are rejected under the judicially created doctrine of “obviousness-type” double patenting over claims 1-4 of U.S. Patent No. 6,153,598 in combination with U.S. Patent No. 4,826,823. Applicants respectfully assert that the claims are not obvious over the cited patents. However, in order to expedite prosecution of the subject application, Applicants have submitted a Terminal Disclaimer with this Amendment which obviates these rejections. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

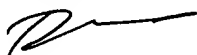
It should be understood that these amendments have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants’ agreement with or acquiescence in the Examiner’s position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Doran R. Pace  
Patent Attorney  
Registration No. 38,261  
Phone No.: 352-375-8100  
Fax No.: 352-372-5800  
Address: 2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606-6669

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Attachment: Terminal Disclaimer

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